

INGRASSIA FISHER & LORENZ, P.C.

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TO: Rachuba, Maurina T., Examiner FROM: Cindy H. Kwacala, Reg. No. 47,667

COMPANY: USPTO DATE: MARCH 2, 2005

FAX NUMBER: 703-872-9306 TOTAL NO. OF PAGES INCLUDING COVER: 18

PHONE NUMBER: 703-308-4357 SENDER'S REFERENCE NUMBER: SFI 1017 (004.0014)

RE: Application for Patent Term Adjustment 10/052,010
Under 37 CFR §1.705(b)

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

**EXAMINING GROUP ART UNIT 3723
FORMAL COMMUNICATION
INTENDED FOR ENTRY**

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PTO/SB/21 (09-04)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

17

Application Number

10/052,010

Filing Date

01/17/2002

First Named Inventor

Saket Chadda

Art Unit

3723

Examiner Name

Rachuba, Maurina T.

Attorney Docket Number

SFI 1017 (004.0014)

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Application for Patent Term Adjustment Under 37 C.F.R. 1.705(b); and Attachment A.
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Ingrassia Fisher & Lorenz PC

Signature

Printed name

Cindy H. Kwacala

Date

March 2, 2005

Reg. No. 47,667

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature

Typed or printed name

Cindy H. Kwacala

Date March 2, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (12-04/2)

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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2005

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT	(\\$) 200.00
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Complete If Known

Application Number	10/052,010
Filing Date	01/17/2002
First Named Inventor	Saket Chadda
Examiner Name	Rachuba, Maurina T.
Art Unit	3723
Attorney Docket No.	SFI 1017 (004.0014)

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____
 Deposit Account Deposit Account Number: 50-2091 Deposit Account Name: Ingrassia Fisher & Lorenz

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
 Charge any additional fee(s) or underpayments of fee(s) Credit any overpayments
 under 37 CFR 1.16 and 1.17

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEESFee Description

	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims Extra Claims Fee (\$) Fee Paid (\$)

- 20 or HP = _____ x _____ = _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims Extra Claims Fee (\$) Fee Paid (\$)

- 3 or HP = _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims

Fee (\$)	Fee Paid (\$)
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3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x		

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): CFR 1.18(e) Patent Term Adjustment - Fee Code 1455 \$200.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 47,667	Telephone 480 385-5080
Name (Print/Type)	Cindy H. Kwacula Date March 2, 2005		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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UTILITY PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of: SAKET CHADDA

Group Art Unit: 3723

MAR 02 2005

Serial No.: 10/052,010

Examiner: Maurina T. Rachuba

Filed: January 17, 2002

Attorney Docket No.: SFI 1017

For: METHOD FOR POLISHING COPPER ON A WORKPIECE SURFACE

**APPLICATION FOR PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. § 1.705(b)**

Commissioner for Patents
P.O. Box 1451
Alexandria, VA 22313-1450

Sir:

This is an application to request correction of the Patent Term Adjustment included in the Notice of Allowance issued to Applicant on February 10, 2005. In accordance with the requirements set forth in 37 C.F.R. § 1.705, this Application is accompanied by the fee set forth in 37 C.F.R. § 1.18(e) and a statement of the facts involved.

STATEMENT OF THE FACTS

The Patent Term Adjustment included in the Notice of Allowance grants the Applicants a 0 day extension. However, upon review of the relevant dates, Applicants believe that the granted extension is incorrect and should be at least 243 days. Accordingly, Applicants request reconsideration of the patent term adjustment based on the following showing of due care.

I. CORRECT PATENT TERM ADJUSTMENT

Applicants request a reinstatement of at least a portion of the patent term adjustment under 37 C.F.R. § 1.702(a)(1) and (a)(2). Specifically, the USPTO failed to mail an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151 within fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) and delayed mailing such action by fifty-six (56) days. Additionally, the USPTO failed to mail either an action under 35 U.S.C. § 132 or a notice of allowance under 35 U.S.C. § 151 within four months after the date of a reply by Applicant and delayed mailing such an action by two hundred eighteen (218) days. As discussed in more detail below, any delay due to the Applicants would not exceed thirty-one (31) days. Accordingly, the Applicants are entitled to a patent term extension of at least two hundred forty-three (243) days.

II. RELEVANT DATES AS SPECIFIED IN 1.703 (a) through (e)

Applicants believe that the dates as specified under § 1.703(a)(1) and (a)(2) are relevant. Applicants filed the patent application on January 17, 2002. A first Office Action (a restriction requirement) was issued on May 12, 2003, which is more than fourteen months after the filing date of the application. Thus, the number of days in the period beginning on the day after the date that is fourteen months after the date on which the application was filed is fifty-six (56) days.

Applicants filed a timely response to the first Office Action on June 12, 2003. However, the USPTO allegedly did not receive the response, which prompted an issuance of a Notice of Abandonment on December 8, 2003. On December 30, 2003, Applicants petitioned to the revive the application and provided evidence that the response to the first Office Action was in fact filed on June 12, 2003. See Attachment A. On March 2, 2004, the USPTO granted the Applicants'

petition and acknowledged that the response to the first Office Action had been filed on June 12, 2003. See Attachment B. Subsequently, a non-final office action was mailed on May 17, 2004, which is more than four months after the date of the response. Thus, the number of days in the period beginning on the day after the date that is four months after the date a reply under § 1.111 was filed (June 12, 2003) and ending on the date of mailing an action under 35 U.S.C. § 132 or a notice of allowance under 35 U.S.C. § 151 (May 17, 2004) is two hundred eighteen (218) days.

III. WHETHER THE PATENT IS SUBJECT TO A TERMINAL DISCLAIMER

The subject patent is not subject to a terminal disclaimer.

IV. CIRCUMSTANCES UNDER § 1.704

Applicants timely filed each required response; however, in one instance, a delay attributed to the Applicant may exist under section 1.704(b) which states that “any period of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant” will reduce the period of adjustment set forth in § 1.703 “by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed.” After the Office Action was issued on May 17, 2004, the Applicants replied to the Office Action on September 17, 2004. Therefore, the Applicants may have delayed filing by thirty-one (31) days outside of the three months allotted for reply under § 1.704(b).

CONCLUSION

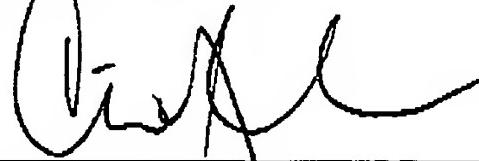
Accordingly, the Applicants respectfully request reconsideration and correction of the Patent Term Adjustment to at least two hundred forty-three (243) days. Should the Examiner

have any questions or wish to discuss the foregoing response and amendment, Applicant requests that the Examiner contact the undersigned at (480) 385-5060.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this Application, please consider this as an authorization to charge Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

By:



Cindy H. Kwacala
Reg. No. 47,667

Dated: March 2, 2005

INGRASSIA FISHER & LORENZ, P.C.
Customer No. 29906

Attachments

Mar. 2: 2005 3:39PM INGRASSIA FISHER & LORENZ PC

No. 7838 P. 8

ATTACHMENT A

INGRASSIA FISHER & LORENZ, P.C.

7150 E. CAMELBACK, SUITE 325

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Telephone: (480) 385-5060

Facsimile: (480) 385-5061

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Rachuba, Maurina T., Examiner	Vincent B. Ingrassia, Reg. No. 25,732 
COMPANY:	DATE:
USPTO	DECEMBER 30, 2003
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
703-872-9306	8
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
703-308-4357	004.0014
RE:	RECIPIENTS REFERENCE NUMBER:
Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.37(b)	10/052,010

URGENT

FOR REVIEW

PLEASE COMMENT

PLEASE REPLY

PLEASE RECYCLE

NOTES/COMMENTS:

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PTO/SB/84 (11-03)

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional)
First named Inventor: Saket, Chadda	
Application No.:10/052,010	Art Unit:3723
Filed: 01/17/2002	Examiner: Rachuba, Maurina T.
Title: Method for Polishing Copper on a Workpiece Surface	
Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX: (703) 872-9306	
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.	
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained. A timely response was filed June 12, 2003 as evidenced by the enclosed copy and fax confirmation.	
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION	
NOTE: A grantable petition requires the following items: (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee -required for all utility and plant applications filed before June 8, 1995; and for all design applications; and (4) Statement that the entire delay was unintentional.	
1. Petition fee (No fee required.) <input type="checkbox"/> Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.	
<input type="checkbox"/> Other than small entity - fee \$ _____ (37 CFR 1.17(m))	
2. Reply and/or fee A. The reply and/or fee to the above-noted Office action in the form of <u>Response to Election/Restriction Requirement</u> (identify type of reply): <input type="checkbox"/> has been filed previously on _____. <input checked="" type="checkbox"/> is enclosed herewith.	
B. The issue fee of \$ _____. <input type="checkbox"/> has been paid previously on _____. <input type="checkbox"/> is enclosed herewith.	

[Page 1 of 2]

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PTO/SB/64 (11-03)

Approved for use 07/31/2006. OMB 0651-0031

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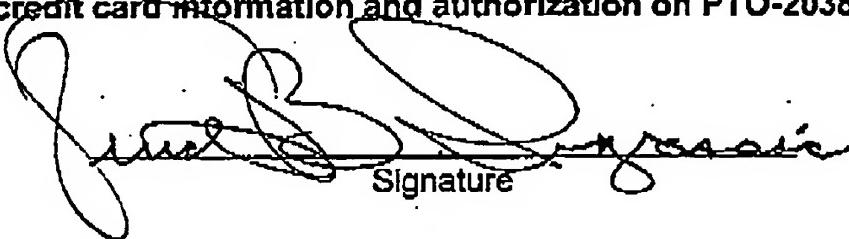
3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

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12/30/03
Date



Signature

Telephone
Number: (480) 385-5060

Vincent B. Ingrassia
Typed or printed name

7150 E. Camelback, Suite 325
Address

Scottsdale, AZ 85251
Address

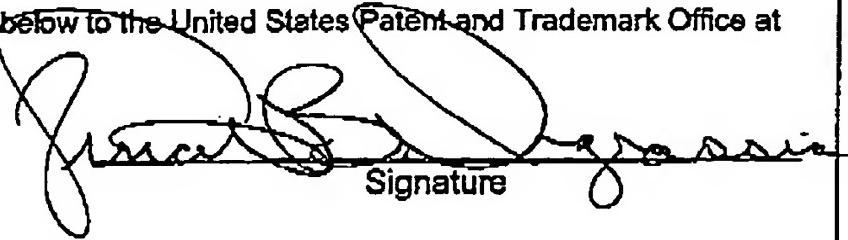
Enclosures: Fee Payment
 Reply
 Terminal Disclaimer Form
 Additional sheets containing statements establishing unintentional delay
 Other: _____

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- transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

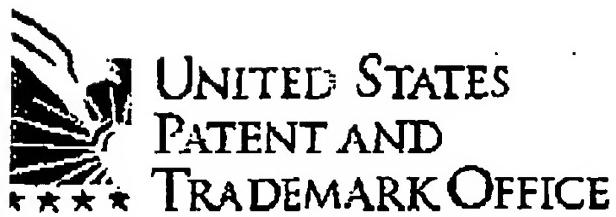
12/30/03
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3 (including cover page)

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JUN 2 2003 3:39PM	K-4237 3. 1/2
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Facsimile: (480) 385-5061	
FACSIMILE TRANSMITTAL SHEET	
TO: Examiner Marlene T. Ruchubs	FROM: Vincent A. Ingrassia (Reg. 25,732) <i>U.S.</i>
COMPANY: USPTO Art Unit 3723	DATE: THURSDAY, JUNE 12, 2003
FAX NUMBER: (703) 303-1351	TOTAL NO. OF PAGES INCLUDING COVER: 3
PHONE NUMBER: (703) 303-1351	SENDER'S REFERENCE NUMBER: SFT 1017
SUB: RESPONSE TO ELECTION/RESTRICTION REQUIREMENT	REFERENCE NUMBER: 10/052,010
NOTE/COMMENTS:	

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Mar. 2. 2005 3:40PM INGRASSIA FISHER & LORENZ PC

No. 7838 P. 13 p. 1

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1)
2)

Date/Time: Jun.12. 2003 3:33PM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
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NOTE/COMMENTS:	10/052,010
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(703) 308-1361	SFI 1017
RE:	REFERENCE NUMBER:
RESPONSE TO ELECTION/RESTRICTION REQUIREMENT	10/052,010

NOTES/COMMENTS:

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INTENDED FOR ENTRY

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UTILITY PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Chadda et al.

Group Art Unit: 3723

Serial No.: 10/052,010

Examiner: Rachuba, Maurina T.

Filed: 01/17/2002

Attorney Docket No.: SFI 1017

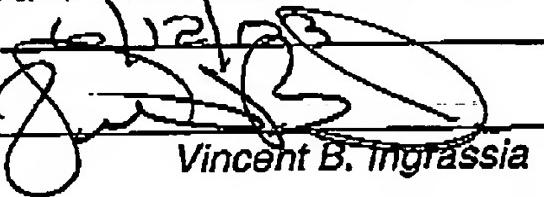
For: METHOD FOR POLISHING COPPER ON A WORKPIECE SURFACE

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On

by Signature


Vincent B. Ingrassia**RESPONSE TO ELECTION/RESTRICTION REQUIREMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

In response to the office action dated May 12, 2003, please consider the following.

I. ELECTION OF A SINGLE DISCLOSED SPECIES

Applicants hereby elect to prosecute the claims of Species 2, for prosecution on the merits. Examiner has indicated that independent claim 1 is considered generic.

II. LISTING OF CLAIMS READABLE UPON THE ELECTED SPECIES

It is respectfully submitted that independent claim 1 and dependent claims 2-5 and 8-19 which depend, either directly or indirectly, from independent claim 1 are readable upon elected Species 2. Furthermore, it is respectfully submitted that independent claim 28 and dependent claims 29-37 which depend, either directly or indirectly from independent claim 28 are readable upon elected Species 2. Therefore, please withdraw claims 6, 7, 20-27, and 38-46 from consideration.

III. CONCLUSION

This reply is believed to be fully responsive to the election requirement mailed on May 12, 2003. Should the Examiner have any questions or wish to further discuss the above-identified application, Applicants request that the Examiner contact the undersigned at (480) 385-5060.

If for some reason an extension is required to prevent abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2091 for any fee which may be due.

Dated 6/12/03
Ingrassia, Fisher & Lorenz, P.C.
Customer No. 29906

Respectfully submitted,

Vincent B. Ingrassia
Registration No. 25,732

Mar. 2, 2005 3:41PM INGRASSIA FISHER & LORENZ PC

No. 7838 P. 17

ATTACHMENT B



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MAR - 2 2004

Paper No. 13

In re Application of
Saket Chadda et al
Application No. 10/052,010
Filed: January 1, 2003
Attorney Docket No. SFI 1017

DECISION ON PETITION

This is a decision on the petition filed by facsimile transmission on December 30, 2003 by which petitioners request withdrawal of the examiner's holding that this application stands abandoned for failure to file a reply to the Office letter dated May 2003. The petition is being treated as a petition to withdraw the holding of abandonment considered pursuant 37 CFR 1.181 rather than as a petition to revive, and no fee is required.

The petition is granted.

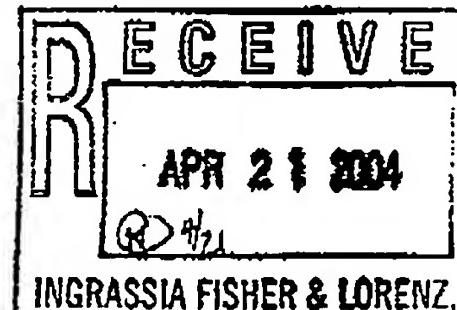
Petitioner alleges that this application is not abandoned because a timely reply to the Office letter in question was in fact filed on June 12, 2003. Petitioner has supported this allegation by submitting a copy of the reply, which had affixed thereto a 37 CFR 1.8(a) certificate of transmission dated June 12, 2003. Based upon this showing, it is clear that this application is not abandoned. See 37 CFR 1.8(b).

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application will be forwarded to the examiner for action on the reply filed on July 12, 2003.

PETITION GRANTED.

E. Rollins-Cross
E. Rollins-Cross, Director
Technology Center 3700

Speedfam-IPEC Corporation
305 North 54th Street
Chandler, AZ 85226



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